

108TH CONGRESS
1ST SESSION

H. R. 1464

To enhance the security and efficiency of the immigration, refugee and asylum, and naturalization functions of the United States Government.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mr. BACA (for himself, Mr. GRIJALVA, Mr. PASTOR, Mr. TOWNS, Mr. SERRANO, Mr. REYES, Mr. ACEVEDO-VILÁ, Ms. NORTON, Mr. RYAN of Ohio, Mr. UDALL of Colorado, Mr. CROWLEY, and Mrs. JONES of Ohio) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enhance the security and efficiency of the immigration, refugee and asylum, and naturalization functions of the United States Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigration Security
5 and Efficiency Enhancement Act of 2003”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to enhance the security
8 procedures and efficiency of the immigration, refugee and

1 asylum, and naturalization services of the United States
2 Government by mandating the implementation of an elec-
3 tronic application process utilizing certified filing entities
4 and e-file applications.

5 **SEC. 3. IMPLEMENTATION OF SECURITY AND EFFICIENCY**
6 **ENHANCEMENTS.**

7 (a) PLAN.—Not later than 90 days after the date of
8 the enactment of this Act, the Secretary of Homeland Se-
9 curity shall submit to the Congress a plan for the imple-
10 mentation of security and efficiency enhancements de-
11 scribed in subsection (b). The plan shall include a time-
12 table for implementation with appropriate information
13 concerning the importance and impact of technology,
14 funding, and other factors on the timetable.

15 (b) SECURITY AND EFFICIENCY ENHANCEMENTS.—
16 Immigration security and efficiency enhancements are as
17 follows:

18 (1) Establishment of a central computer data-
19 base and network for processing immigration appli-
20 cations and forms.

21 (2) Identification of applications and forms ap-
22 propriate for electronic submission.

23 (3) Implementation of a pilot project for elec-
24 tive electronic submission of designated immigration
25 applications and forms.

1 (4) Implementation of elective electronic sub-
2 mission of designated immigration applications and
3 forms.

4 (5) Within 4 to 5 years after the date of the
5 enactment of this Act, electronic submission of des-
6 ignated immigration applications and forms which
7 comprise not less than 25 percent of the total by vol-
8 ume.

9 (6) Within 6 years after the date of the enact-
10 ment of this Act, electronic submission of designated
11 immigration applications and forms comprising not
12 less than 50 percent of the total by volume.

13 (7) Within 8 years after the date of the enact-
14 ment of this Act, electronic submission of designated
15 immigration applications and forms comprising not
16 less than 75 percent of the total by volume.

17 (8) Wherever feasible, electronic submission of
18 designated immigration applications and forms.

19 (c) LIMITATIONS.—Notwithstanding any other provi-
20 sion of this Act, the Secretary of Homeland Security shall
21 implement an electronic application process only with re-
22 spect to immigration, refugee and asylum, and naturaliza-
23 tion services of the United States Government that the
24 Secretary of Homeland Security determines to be appro-
25 priate. The Secretary of Homeland Security may not im-

1 plement an electronic application process with respect to
2 applications by aliens who have been convicted of a felony
3 or aliens who are residing in the United States illegally.

4 (d) ANNUAL REPORT.—Not later than 1 year after
5 the date of the submission of the plan under subsection
6 (a) and annually thereafter, the Secretary of Homeland
7 Security shall submit to the Congress an annual report
8 which outlines the progress in implementing the plan, to-
9 gether with any modifications in the projections of the
10 plan.

11 **SEC. 4. ESTABLISHMENT OF ELECTRONIC FILE MANAGE-**
12 **MENT SYSTEM.**

13 The Secretary of Homeland Security shall establish
14 within the immigration, refugee and asylum, and natu-
15 ralization functions under the jurisdiction of the Depart-
16 ment of Homeland Security a computer network composed
17 of a state-of-the-art electronic file management system
18 and computer information system to efficiently receive and
19 process files submitted electronically, detect incorrectly
20 filled applications and forms, and securely share informa-
21 tion within the network.

1 **SEC. 5. ESTABLISHMENT OF IMMIGRATION, REFUGEE AND**
2 **ASYLUM, AND NATURALIZATION FILING SYS-**
3 **TEM THROUGH CERTIFIED SERVICE PRO-**
4 **VIDERS.**

5 (a) IN GENERAL.—The Secretary of Homeland Secu-
6 rity shall establish within the immigration, refugee and
7 asylum, and naturalization functions under the jurisdic-
8 tion of the Department of Homeland Security a system
9 which provides for the electronic filing and submission of
10 applications only from organizations and entities certified
11 by the department to perform immigration and naturaliza-
12 tion services on behalf of applicants.

13 (b) CERTIFICATION OF SERVICE PROVIDERS.—The
14 Secretary of Homeland Security develop criteria and pro-
15 cedures for the certification of organizations and entities
16 as service providers. In the certification of service pro-
17 viders the Secretary of Homeland Security shall consider
18 the promotion of competition and do everything possible
19 to prevent monopolies.

20 (c) CRITERIA FOR CERTIFICATION OF SERVICE PRO-
21 VIDERS.—The Secretary of Homeland Security shall pro-
22 mulgate regulations which provide for the criteria for cer-
23 tification of service providers which shall include the fol-
24 lowing:

1 (1) Submission security—the ability to verify
2 that a secure link is established for transmitting ap-
3 plicant information.

4 (2) Quality control by the private entity/organ-
5 ization—the ability to determine that the service pro-
6 viders are competent and qualified to provide reliable
7 information to applicants on immigration, refugee
8 and asylum, and naturalization requirements and
9 procedures necessary to successfully complete appli-
10 cations.

11 (3) User identification verification—the ability
12 to determine that the service provider conducts an
13 adequate initial identity verification.

14 (4) The logistical capabilities to participate in
15 the system.

16 **SEC. 6. GRANTS FOR TECHNOLOGY ENHANCEMENT OF**
17 **SERVICE PROVIDERS.**

18 The Secretary of Homeland Security is authorized to
19 establish a program of grants to nonprofit service pro-
20 viders under section 5 to assist such entities in obtaining
21 electronic technologies compatible with those utilized by
22 the immigration, refugee and asylum, and naturalization
23 functions under the jurisdiction of the Department of
24 Homeland Security.

1 **SEC. 7. ELECTRONIC DATABASE OF CLOSED FILES.**

2 The National Records Center shall create and main-
3 tain an electronic database of all closed files relating to
4 immigration, refugee and asylum, and naturalization of
5 the Department of Homeland Security to speed up the re-
6 quest process on past records for all Federal agencies that
7 access such files.

8 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as may be necessary for each fiscal year to carry out this
11 Act.

